

No. 4008-4 Lab-72/13893.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Oils & Allied Products (P) Ltd., Sonapat.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 160 of 1971

between

THE WORKMAN SHRI VIJAY KUMAR, 126, INDUSTRIAL COLONY, SONEPAT AND THE
MANAGEMENT OF M/s OILS & ALLIED PRODUCTS (P) LTD, SOOEPAT

Present:—

Shri Onkar Parshad, for the workman.
Shri C.R. Gulati, for the management.

AWARD

The following industrial dispute between the workman Shri Vijay Kumar and the management of M/s Oils & Allied Products (P) Ltd, Sonapat, was referred to this Court for adjudication,—*vide* Gazette Notification No. ID/RK/220-A-71/dated the 1st September, 1971:—

Whether the termination of services of Shri Vijay Kumar was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the reference usual notices were issued to the parties. The case of the applicant is that the management got a resignation written from him by force. The management denied this fact and the following issues were framed:—

- (1) Whether the resignation of the applicant was taken by force ?
- (2) If so; to what relief is he entitled ?

The management then come up with an application for permission to amend their written statement in order to take an objection that the order of reference goes beyond the terms of the demand notice. This application was accepted on payment of costs and the following additional issue was framed:—

- (1) Whether the order of reference is valid ?

I will first take up the additional issue as framed because it goes to a very root of the case. The learned representative of the management has rightly pointed out that in the notice of demand attached with the order of reference only the following prayers have been made:—

- (a) Wages from 18th October, 1970 to 14th November, 1970 (both days inclusive).
- (b) One month notice pay.
- (c) 50 days wages at double the rate being the days of holidays and closed days when he was asked to work.
- (d) 1,000 hours overtime wages.

According to the terms of the order of reference this Court is required to adjudicate upon the question as to whether the termination of the services of the workman was justified and in order and if not to what relief is he entitled. None of the reliefs claimed by the workman in the demand notice flow from the alleged wrongful order of the management. It is, therefore, rightly submitted that even if the version of the workman is accepted that he did not voluntarily resign none of the reliefs claimed by him cannot be granted because that would be going beyond the terms of the order of reference. The term of the order of reference, therefore, does not arise from the demand notice as given and, therefore, the order of reference is not valid. I give my award accordingly. No order as to costs.

Dated 6th April, 1972.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 540, dated Rohtak, the 6th April, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court Haryana, Rohtak,

B. L. AHUJA,

Commissioner for Labour and Employment and Secy.

PUBLIC WORKS DEPARTMENT

IRRIGATION BRANCH

The 21st April, 1972

No. 6290-96/6-L—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government, at the public expense, for a public purpose, namely, for New Tangri Diversion Bund from R.D. 183,797 to R.D. 185,625 in tehsil and district Ambala, it is hereby notified that land in locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Further in exercise of the powers under the said Act, the Governor of Haryana is pleased to direct that action under section 17(2) (B) shall be taken in this case on the grounds of urgency and provisions of section 5 (A) will not apply in regard to this acquisition.

SPECIFICATION

| District | Tehsil | Village | Area in Acres | Khasra Nos. | Boundary |
|----------|--------|---------|---------------|--|---|
| Ambala | Ambala | Segti | 2.53 | 30 25/(2—6), 24/(2—9), 23 (2—9), 30 22/(2—0), 21/1/(0—9), 20/2/(0—11) 30 And 20/1/(1—0) 31 16/1/(0—13), 16/2/(0—18) 31 15/3/(0—18), Rasta/(0—4), 31 13/2(1—2), 8/(2—9), 9/1/(0—10), 31 Rasta/(0—7) and 142(2—2) | A strip of land 1,828 feet in length and 60.5 feet in width lying generally in the direction of north-east to south-west as demarcated at site and shown on the index plan. |

(Sd.) . . .

Superintending Engineer,
Ambala Bhakra Canal Circle,
Chandigarh.